

By



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,722	11/20/2000	Philippe Leyendecker	PF990077	9571
24498	7590	09/21/2005	EXAMINER	
THOMSON LICENSING INC. PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			TRAN, THAI Q	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/716,722		LEYENDECKER, PHILIPPE	
	<b>Examiner</b>		<b>Art Unit</b>	
	Thai Tran		2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 9-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 9-17 is/are allowed.
- 6) ☒ Claim(s) 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed June 23, 2005 have been fully considered but they are not persuasive.

In re page 11, applicant argues, with respect to claims 19-20, Park, however, neither discloses nor suggests "the reading, from the recording medium, of additional data other than the scramble data of the MPEG stream, corresponding to information relating to the enciphering keys used for the scrambling".

In response, the examiner respectfully disagrees. Park discloses in col. 12, lines 55-65, that "In the case of playing back the bitstream recorded as described above, if the function is PPP function, the system operates as shown in FIG. 15. If the bitstream ... copy protection processor 4 splits the played-back bitstream  $S_{ks}(BS)+E(KS)$  into the bitstream  $S_{ks}(BS)$  and keystream  $E(KS)$  by encryption algorithm  $E_{ak}()$  to then output the same to smart card 3. The split bitstream  $S_{ks}(BS)$  is output to ATV decoder 2 with the extracted portion of the keystream  $E(KS)$  inserted with an index code  $IDX$ ". The claimed "reading, from the recording medium, corresponding to information relating to the enciphering keys used for the scrambling" is anticipated by the keystream  $E(KS)$  of Park.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Park (US 5,757,909).

Regarding claim 19, Park discloses a process (col. 12, line 55 to col. 13, line 9) for decoding a scrambled MPEG stream recorded on a recording medium, for implementing a special mode ("trick mode"), comprising the following steps:

the reading, from the recording medium, of scrambled data of the MPEG stream (col. 12, lines 55-65),

the reading, from the recording medium, of additional data other than the scrambled data of the MPEG stream, corresponding to information relating to the enciphering keys used for the scrambling (col. 12, lines 55-65),

descrambling of the MPEG stream data read as a function of the additional data read (col. 12, line 66 to col. 13, line 9).

Regarding claim 20, Park discloses a process (col. 12, line 55 to col. 13, line 9) for decoding a scrambled MPEG stream recorded on a recording medium, for implementing a special mode ("trick mode"), comprising the following steps:

reading, from the recording medium, of additional data, other than the scrambled data of the MPEG stream, corresponding to information required by at least one function of the special mode or "trick mode" (fast forward, fast rewind, accelerated motion, slow motion, etc.) (col. 12, lines 55-65 and col. 3, lines 31-38),

reading, from the recording medium, of scrambled data of the MPEG stream as a function of the said additional data (col. 12, lines 55-65 and col. 3, lines 31-38).

***Allowable Subject Matter***

4. Claims 1-4 and 9-17 are allowed.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (571) 272-7382. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ

  
THA TRAN  
PRIMARY EXAMINER